

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JAMEL KING,

Plaintiff,

No. 9:11-CV-1457

-v-

C.O. MCINTYRE, Correctional Officer;
LT. MCDERMOTT, Correctional Lieutenant;
C.O. STEVENS, Correctional Officer; SGT.
YOUNG, Correctional Sergeant; C.O. KANE,
Correctional Officer; C.O. HOESSLE, Correctional
Officer; C.O. CATLIN, Correctional Officer; DEPT. C.
MILLER, Deputy Superintendent of Security;
COMM. BRIAN FISCHER, Commissioner of the
Department of Corrections Community Supervision;
and SUP. MARTUSCELLO,

Defendants.

APPEARANCES:

OF COUNSEL:

JAMEL KING
01-A-4949
Plaintiff pro se
Elmira Correctional Facility
P.O. Box 500
Elmira, NY 14902

HON. ERIC T. SCHNEIDERMAN
Attorney General for the State of New York
Attorney for Defendants
The Capitol
Albany, NY 12224

MICHAEL G. MCCARTIN, ESQ.
Ass't Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Pro se plaintiff Jamel King brought this action pursuant to 42 U.S.C. § 1983. On March 17, 2015, the Honorable Thérèse Wiley Dancks, United States Magistrate Judge, advised by Report-Recommendation that defendants' motion for summary judgment pursuant to Federal Rule of Civil Procedure 56 be granted in part and denied in part. No objections to the Report-Recommendation were filed.

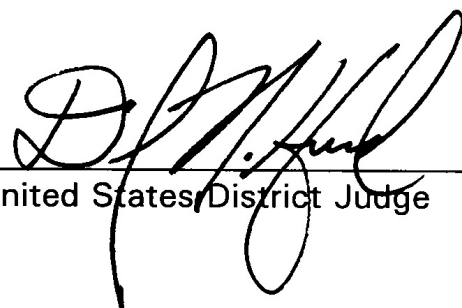
Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is

ORDERED that

1. Defendants' motion for summary judgment pursuant to Federal Rule of Civil Procedure 56 is GRANTED in part and DENIED in part;
2. All claims are DISMISSED except the retaliation claims against defendants Catlin and McDermott arising from the March 28, 2011, misbehavior report and the April 6, 2011, disciplinary hearing on that report;
3. All claims against defendants Young and Kane are sua sponte DISMISSED; and
4. The Clerk is directed to serve a copy of this Decision and Order upon the parties in accordance with the Local Rules.

IT IS SO ORDERED.


United States District Judge

Dated: April 8, 2015
Utica, New York.